IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A mobile communication system comprising:

a holding unit configured to hold layered data and a corresponding radio resource amount indicating at least one of a number of channels, a number of multiplexed codes or a transmission power required for transmitting the layered data;

a determination unit configured to compare area resource information indicating at least one of an available number of channels, an available number of multiplexed codes or an available transmission power for respective radio areas covered by base stations with the radio resource amount held in the holding unit for each of a plurality of layers of the layered data, and to determine, from layered data of a highest layer, at least one layered data of which the radio resource held in the holding unit satisfies the area resource information; and

a radio transmitter configured to transmit the at least one layered data determined by the determination unit from the base station to the mobile stations.

2. (Currently Amended) A radio network controller comprising:

a holding unit configured to hold layered data and a corresponding radio resource amount indicating at least one of a number of channels, a number of multiplexed codes or a transmission power required for transmitting the layered data;

a determination unit configured to compare area resource information indicating at least one of an available number of channels, an available number of multiplexed codes or an available transmission power for respective radio areas covered by base stations with the radio resource amount held in the holding unit for each of a plurality of layers of the layered data, and to determine, from layered data of a highest layer, at least one layered data of which the radio resource hold in the holding unit satisfies the area resource information; and

a data transmitter configured to transmit the at least one layered data determination by the determination unit to the respective base stations.

3-4. (Canceled)

5. (Previously Presented) The radio network controller according to claim 2, further comprising:

a resource information receiver configured to receive the area resource information from the base stations, wherein

the determination unit is configured to determine the at least one layered data based on the area resource information received by the resource information receiver.

6. (Currently Amended) A base station comprising:

a holding unit configured to hold layered data and a corresponding resource amount indicating at least one of a number of channels, a number of multiplexed codes or a transmission power required for transmitting the layered data;

a determination unit configured to compare area resource information indicating at least one of an available number of channels, an available number of multiplexed codes or an available transmission power for respective radio areas covered by the base station with the resource amount held in the holding unit for each of a plurality of layers of the layered data, and to determine, from layered data of a highest layer, at least one layered data of which the resource amount held in the holding unit satisfies the area resource information; and

a radio transmitter configured to transmit the at least one layered data determined by the determination unit to the mobile stations.

7-8. (Canceled)

9. (Previously Presented) The base station according to claim 6, further comprising:

a resource information collection unit configured to collect the area resource information, wherein

the determination unit is configured to determine the at least one layered data, based on the area resource information collected by the resource information collection unit.

10-11. (Canceled)

12. (Currently Amended) A communication method used in a mobile communication system which comprises a holding unit configured to hold layered data and a corresponding radio resource amount indicating at least one of a number of channels, a number of multiplexed codes or a transmission power required for transmitting the layered data, the communication method comprising:

comparing area resource information indicating at least one of an available number of channels, an available number of multiplexed codes or an available transmission power for respective radio areas covered by base stations with the radio resource amount held in the holding unit for each of a plurality of layers of the layered data, and determining, from layered data of a highest layer, at least one layered data of which the radio resource amount held in the holding unit satisfies the area resource information; and

transmitting the at least one layered data determined in the determining step to the mobile stations.

13. (Previously Presented) The radio network controller according to claim 2, wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base stations and radio resources amount currently available for the respective radio areas.

14. (Previously Presented) The base station according to claim 6, wherein the area resource information is at least one of radio resources capacity for the respective radio areas covered by the base station and radio resources amount currently available for the respective radio areas.